

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JORDAN T. BRESLOW

an individual,

Plaintiff,

Case No.: 2:21-cv-04703-JHS

v.

ALOYSIUS E. GLEESON, an individual,

TOPE LALA, an individual,

GEOFF MIRKIN, an individual,

WILLIAM MCCOLLEY, an individual,

SOLAR ENERGY WORLD, LLC, a Pennsylvania
limited liability company,

SUN RUN, INC., a foreign business corporation,

Defendants.

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DEFENDANTS' MOTION FOR EXTENSION OF TIME

Aloysius E. Gleeson, Tope Lala, Geoff Mirkin, William McColley, and Solar Energy World, LLC. [collectively, “**Defendants**”], move for an extension of time to respond to the Complaint filed in this action, and in support of the relief requested, state the following:

1. On October 20, 2021, the Plaintiff, Jordan Breslow (“**Plaintiff**”), commenced this action by filing the Complaint [D.E. 1].

2. Defendants received copies of the Complaint via U.S. Mail on various dates thereafter, but no summons was attached to any of the copies of the Complaint received by any of the Defendants.

3. The Complaint is sprawling 250+ page document that contains a variety of extraneous materials—including administrative filings, (unredacted) medical records, and reproductions of various Internet web pages—embedded therein.

4. Although there is substantial content within the Complaint, the document is lacking in clarity such that ascertaining the claims asserted and whether such claims are potentially viable presents challenges beyond an ordinary pleading.

5. However, based on preliminary review, the Complaint appears to contain significant legal deficiencies and is subject to defensive motions under Rule 12, Federal Rules of Civil procedure, on various grounds.

6. Because of the absence of any summons, Defendants were not provided the information and directives mandated by Rule 4(c)(1), Federal Rules of Civil Procedure, that would otherwise guide Defendants as to response deadlines and other requirements. This status alone creates grounds for a Rule 12 motion.

7. Defendants hereby state that they **do not**, by filing the instant motion, intend to convey that they concede or waive any defense, nor the right to pursue the filing of any defensive motion, including any Rule 12(b) motion directed to

service/process defects/insufficiency, or that the claims asserted fail to state a cause of action upon which relief can be granted.

8. However, in light of the extensive and confusing nature of the Complaint, the issues regarding service, and due to the imminent and upcoming holidays, Defendants require additional time to formulate an appropriate initial substantive filing in this action (which Defendants expect, at a minimum, to take the form of a Rule 12 defensive motion on multiple grounds).

9. Accordingly, Defendants respectfully request an additional 35 days from the date of filing hereof to file their initial substantive filing and any Rule 12 motions directed to the Complaint.

10. This Motion is not made for the purpose of delay and no party will be prejudiced by the extension requested herein.

MEMORANDUM OF LAW

Rule 6(b) of the Federal Rules of Civil Procedure provides that when an act is required or allowed to be done at or within a specified time, the Court, for cause shown, may order the period enlarged if such a request is made before expiration of the period originally prescribed or as extended by previous order.

Defendants respectfully submit that the facts set forth herein establish good cause for the extension of time requested. Extending the period in which Defendants may submit their initial substantive filing, including any Rule 12 defensive motions,

will address required preliminary procedural issues and likely narrow the issues for adjudication, thereby supporting judicial and litigant economy and the efficient administration of justice.

WHEREFORE, Defendants respectfully request that the Court enter an order:

- 1) Granting the instant Motion;
- 2) Extending the time for Defendants to submit their initial substantive filing, including any Rule 12 defensive motions; and
- 3) Providing any other relief the Court deems just and proper.

Respectfully submitted this 24th day of November 2021.

/s/ Steven T. Auerbach
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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on November 24, 2021 the foregoing was furnished via CM/ECF electronic filing to all ECF recipients and by priority mail to Jordan Breslow at 314 S. Henderson Road #G103, King of Prussia, PA 19406.

/s/ Steven Auerbach

Steven T. Auerbach, Esq.